



PLANNING BOARD MEETING MINUTES
TOWN OF FOSTER
Benjamin Eddy Building, 6 South Killingly Road, Foster, RI
Wednesday: MARCH 19, 2008 AT 7:30 p.m.

A. Call to Order

Meeting was called to order at 7:34 by Julie Parmentier, Chair.

B. Roll Call

Present were Julia Parmentier, Chair, Helen Hardy, Secretary, members John Neale, Tom Mercier, and Marcia Bowden. Pat Moreau, Vice-Chair and member Mike Carpenter were excused. Also in attendance were Ann-Marie Ignasher, Town Planner; Frank and Natalie Arnold; Linda and David Filippone; Mark Boyer, Brad Gorham, John Mensinger, Robert Nelson, Ed Merck, Amy Nelson, James Bryant and Mark Sevegny. Entering at 8:30 from the Conservation Commission were Kathryn Zuromski, Christian Iozzi, Scott Ulricksen and Lucy Minturn, Sisan Smallman and Rich Blodgett from the Providence Water Supply.

C. Approval of Minutes

Tom Mercier moved and John Neale seconded to continue the minutes of 3/11/08 until 4/16/08. Motion carried unanimously.

D. Correspondence and Review

None.

E. Board Members' Reports

Tom Mercier moved to defer the board members reports until 4/16/08. Helen Hardy seconded the motion, no further discussion took place, and the motion passed unanimously.

F. Planner's Report

None.

G. New Business (see M below)

H. Administrative Subdivisions

None

I. Minor Subdivisions-

57 Moosup Valley Road/ **Frank & Natalie Arnold**

AP 2 – Lot 79 – Moosup Valley Road – Existing size 58.0282 acres

Proposed Number of Lots – two (2)

Original Lot 79 to be 50.3418 +/- acres; New Lot to be 7.7409 +/- acres

PRE-APPLICATION REVIEWED 5/16/07 – Had to go to the Zoning Board for dimensional variances

PRELIMINARY REVIEW 02/20/08 – Approved

**Final Review
Discussion and Decision**

Items received with the application – 1) access easement for driveway; 2) approved ISDS (OWTS) from RI DEM; 3) approval from the Foster Zoning Board of Review.

John Neale made the following motion: Motion to approve the application of Franklin G Arnold and Natalie P Arnold to subdivide the real estate located at 57 Moosup Valley Road Foster, Rhode Island 02825 also known as Tax Assessor's Plat 2 Lot 79 containing approximately 58.08 acres of land +/- into two separate and distinct parcels. Proposed Lot A containing 7.74 acres +/- and the remainder of Lot 79 containing 50.34 acres +/- as shown on that map entitled: "Minor Subdivision Property Line Plan, Franklin G. and Natalie P Arnold: AP 2 Lot 79, Moosup Valley Road Foster, RI; dated January 2007; prepared by National Surveyors-Developers, Inc., 42 Hamlet Ave., Woonsocket, RI (401)769-7779, Norbert A. Therein, Professional Land Surveyor."

Tom Mercier seconded the above motion. Discussion followed:

Helen Hardy inquired about the third party named in the driveway easement, as she wanted to know who that party was. The Arnolds explained that the individual was a landowner on the other side of the grantor's real estate, and that both the third party and they would be sharing a portion of the driveway. The Arnolds explained the landowner that granted them their easement for ingress and egress had previously granted a similar easement to his neighbor that abutted his property on the other side. Tom Mercier voiced his concern regarding the prior easement to the third party, and that the Arnolds would be sharing a portion of that same easement. Mr. Mercier questioned whether this situation was something the Planning Board could approve. The Planner explained that the easement (or easements) both encumbered one single parcel of land and the landowner of that particular parcel granted both of the easements, therefore it was the landowner and no-one else that encumbered the land. Also, the Planner stated that an easement was a private contract between two parties, and the easement may be outside of the authority of the planning board – as any disagreement regarding the easement would be a civil matter. Mr. Mercier said he did not feel comfortable granting the approval until a legal opinion was rendered regarding the easement, as he felt that all three lots were using the driveway. It was explained to Mr. Mercier that the (middle) landowner, whose property was encumbered by the easement(s) did not use the driveway as his primary access to the property.

Julia pointed out that the OWTS program requires an annual inspection of the system and that said inspection could very well be scheduled by the town, if the landowners failed to do so,.

Mr. Mercier still did not feel comfortable with approving the plans as is, and therefore requested that he be allowed to withdraw his second of the motion. He was allowed to do so. There was some further discussion, and it was decided that a legal opinion would give the board members a certain level of comfort and therefore, it was requested of the planner to obtain such an opinion from the Town Solicitor. Considering the concerns of a fellow board member John Neale withdraw his motion to approve until a legal opinion could be obtained.

Therefore, the discussion continued and a Motion was made by the Tom Mercier to continue the hearing until the April 2, 2008. John Neale seconded the motion, there was not further discussion, and the motion carried unanimously.

48A South Killingly Road /**David Filippone**

AP 8 – Lot 54 – Existing size 79.98 ± acres

Proposed Number of Lots: two (2)

Proposed areas: Lot A to be 5.03 ± acres, Lot B to be 74.95 ± acres

PRE-APPLICATION / CONCEPTUAL REVIEW ON 02/20/08

**Preliminary Review
Discussion and Decision**

The board was concerned about the jog in the front lot line and the verification of wetlands, and the more definite location of the house and OWTS. Mr. Filippone's surveyor, Mark Boyer presented this application. Mr. Boyer showed the changes made in accordance with the boards' requests. The board pointed out again that the remaining frontage was not sufficient for further subdivision. The distance from the well to the proposed OWTS is not in conformance with DEM regulations, on the plans submitted. Tom Mercier moved to continue the preliminary hearing until 4/16/08 so the applicant may have time to have the plans revised. John Neale seconded, the motion carried unanimously.

Ed Merck an abutter at 45 S Killingly Road expressed a concern about the distance between the proposed septic and his well, which lies down grade and across significant ledge. Mr. Merck also expressed the concern about the proximity of the proposed house to his existing house, and expressed the concern about the closeness of this new development regarding Foster's philosophy of maintaining the rural character. Mr. Merck also asked if the applicant was willing to place the house closer to the street and to have the septic system for the house in the back yard not the front.

The board then explained to Mr. Merck that as long as the house and the septic plans meet the requirements of the Town's zoning regulations, then the board could not force the applicant to move either his house or septic system to another area of the lot just to please some one else. Mr. Merck stated that he understood, however he would appreciate it if the applicant did look into the possibility of switching the location of the house with the septic system so the house would be closer to the road and the septic system would be in the back yard.

The board then picked a date for a committee of the board members and conservation members to visit the proposed site to obtain firsthand knowledge of the site and to report back with their findings.

41Johnson Road / **Amy Nelson & James Bryant**

AP 2 – Lot 12 – Existing size 110 ± acres

Proposed Number of Lots: three (3)

Proposed areas: Lot 1 to be 4.6 ± acres, Lot 2 to be 18.5 ± acres; Lot 3 to be 87± acres

*Pre-application / Conceptual Review
No decision required*

Conceptual review was presented by Brad Gorham. This particular lot was created before July 1967 and therefore the frontage of 73 feet is adequate under the residential compound ordinance. The property has been owned by the current landowner since 2000 and therefore meets that requirement of the residential compound ordinance, it has never been divided, and all three residential structures will share the same driveway.

The next people to speak were John Mensinger and Mike Raimondi from Scituate Surveys, Inc. These gentlemen explained that they would need to do a fly over of the property in order to get accurate information for the topographical survey, and they explained what would be required for a class I survey for the property boundaries. They asked the board if it was truly necessary to do a class I survey of the back portion of the real estate as "the development" was all taking place in the front area of the real estate. The Planning Board explained that a Class I survey of the boundary was required and expected. The Board explained that it would be in the owners' best interest to have a Class I survey of the boundaries to his property. There was some further discussion regarding the Class I survey and then the presentation ended. No decision was required.

J. Major Subdivisions

None

K. Commercial Site Reviews

None

L. Old Business

None

John Neale moved, and Marcia seconded to suspend the Planning Board meeting, in order to open the joint workshop session that was scheduled with the Conservation Commission.

M. New Business

OPEN JOINT WORKSHOP MEETING WITH CONSERVATION COMMISSION

Rich Blodgett an employee of the Providence Water Supply Board made a presentation to both the Planning Board and the Conservation Commission regarding the possible abandonment of certain roads within the

Town so the roads could become walking paths / trails. The water board is looking into this proposal, as they have concerns where the town roads are abutted on both sides by property (real estate) owned by the water board. The water board considers the town roads as high risk areas where run off could easily enter the reservoir. The water board's intent would be to close those particular roads to all car traffic, except Providence Water vehicles, contractors for the water board and of course emergency vehicles. Metal gates would be placed at both ends of the roads, and Providence Water and our Town Police or Fire Departments would have keys to gain access – in return for abandoning the roads Providence Water would take over the maintenance of the roads. The gates would still allow public access for recreation, non-motorized vehicles, walking / hiking and horseback riding.

The Planning Board and the Conservation Commission discussed particular concerns they had – 1) what would the people do that lived on either end of the roads that were closed if their way out was ever blocked; 2) how safe would it be for those particular residents to be located at a dead end street in the woods. The boards also reminded Mr. Blodgett that only the Town Council had the authority to abandon roads, Mr. Blodgett said that at this particular time he was just looking for some feedback or input from the boards. If he encountered negative feed back, then he would probably not even continue with the project.

Each board said they would take the presentation under advisement, and each board would discuss the proposal among its members at a later meeting.

John Neale moved Tom Mercier seconded to thank Mr. Blodgett for the presentation.

John Neale moved Tom Mercier seconded to go back to the regular session. There was no further discussion and the motion carried unanimously.

N. Future Agenda Items

Frank & Natalie Arnold 4/02

David Filippone 4/16

Foster Bait Shack 4/16

Blackmar Residential Compound – Driveway Issue

Building Approvals – wells and septic installations

Providence Water Supply Board

Rte 6 rezoning 3/29

Info Meeting for Rte 6 rezoning 5/21

O. Adjournment

Tom Mercier moved to adjourn at 10:10 motion carried unanimously

Respectfully submitted,

Helen Hardy